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## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being transmitted via facsimile to (703) 305-7401, attention Examiner Michael Meller at Assistant Commissioner for Patents, Washington, D.C. 20231 on this 18 day of June, 2002.

By: 

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ernesto Brovelli et al.  
Serial No: 09/575307  
Filing Date: 5/19/00  
Examiner: Meller, M  
Group Art: 1651  
For: ECHINACEA INDUCTION OF PHASE II ENZYMES

Assistant Commissioner of Patents  
Washington, D.C. 20231

PETITION TO RESET PERIOD FOR REPLY  
DUE TO LATE RECEIPT OF AN OFFICE ACTION

Applicants respectfully request that the period for response to the Office Action, mailed February 27, 2002 with a three month shortened statutory period for reply, be reset to reflect the late receipt of same under MPEP 710.06. Applicant submits the following information in support of this petition:

- 1) A substantial portion of the set reply period had elapsed on the date of receipt. On June 13, 2002, Applicant performed a status check on PAIR which showed that a Non-Final Office Action was mailed on February 27, 2002 (see Exhibit A). Applicant inquired about same with the attorneys of record, Brink Hofer Gilson and Lione, who confirmed that the Office Action was never received (see Exhibit B).

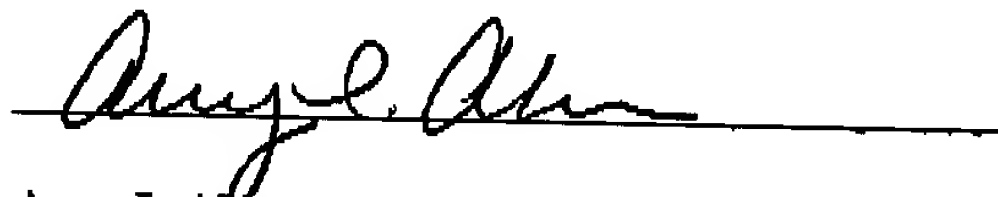
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- 2) Subsequently, Applicant requested Examiner Meller to fax the Office Action to Applicant. The Office Action was received via facsimile on June 14, 2002 (see Exhibit C).
- 3) This petition is being timely filed within two weeks of the facsimile receipt of the Office Action.

In view of the statements above, Applicant respectfully requests that the PTO grant this petition and reset the period for reply to run from June 14, 2002, which is the date of receipt of the Office Action. It is also requested that the PTO contact the Undersigned attorney with the disposition of this petition.

Respectfully Submitted,

BROVELLI ET AL.



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